

JUL 20 2007

Applicant: Picozza et al.  
Application No.: 10/699,378  
Examiner: Y. Abbott**Remarks**

Claims 1, 5-7, 10-15, 19, and 20 are pending in the application and are presented for the Examiner's review and consideration. Claim 1 has been amended. Applicants believe the claim amendment and the accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

**35 U.S.C. §112**

Claims 1, 4-7, 10-15, 19 and 20 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated that the "blade edges depending substantially vertically from said lower surface of said core" is new matter. The Examiner further stated that the subject matter appears to contradict the recitation in specification amendment filed April 11, 2005 which recites that the blade edges are parallel. For the reasons set forth below, Applicants respectfully submit that the claims comply with the written description requirement.

As noted in the Amendment filed with the Request for Continuing Examination file on April 6, 2007, the amendment to claim 1, namely, the "blade edges depending substantially vertically from said lower surface of said core" was disclosed in Figures 1a, 1b, and 6 of the originally filed application. Referring to Figures 1a, 1b, and 6, the blade edge 40 is clearly shown extending substantially vertically from the lower surface of the core.

In establishing a disclosure, applicant may rely not only on the description and drawing as filed but also on the original claims if their content justifies it. MPEP 608.01(I).

As such, as the amendment to the claim is supported by the original drawing, the amendment is not new matter and complies with the written description requirement. However, to provide further clarification, Applicants submit herewith replacement drawing, which clarify the position of blade edges 40, as well as, amending paragraph 30 of the specification to specification recited the elements of the claims. The replacement drawings have been labeled "Replacement Sheet" in accordance with the rules. The replacement drawings and amendment to the specification are supported by that Application as original as filed, and no new matter has been added.

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With regard to the Examiner's further statement that the subject matter appears to contradict the recitation in specification amendment filed April 11, 2005, which recites that the blade edges are parallel. Applicants submit that the two are not in contradiction and are supported by the specification as originally filed.

Specifically, Figures 1a and 1b are end views looking along the longitudinal axis of the scraper. In both of these views the blade edges 40 are shown depending (extending) vertically from the scraper in a parallel relationship on opposite side of the longitudinal axis of the scraper.

In the Amendment filed on April 11, 2005, the specification was amended to recite what was disclosed in originally filed Figures 4 and 6. Figure 4 is a bottom view of the scraper and Figure 6 is a transverse cross-sectional view of the scraper. In both of these views the blade edges are shown as being in a parallel arrangement, on opposite sides of the longitudinal axis.

As such, the amendments filed on April 6, 2007 and April 11, 2005 are consistent with the original disclosure, and are not in contradiction of each other.

In light of the foregoing, Applicants request reconsideration and withdrawal of the section 112 rejection.

#### 35 U.S.C. §102 and §103 Rejections -Hakim

Claims 1, 4-7, 13-15, 19, and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,647,829 to Hakim ("Hakim"). Claims 10-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hakim. For the reasons set forth below, Applicants respectfully submit that the rejected claims are not taught or suggested by Hakim.

Hakim relates to a spoon which is made of a hard material forming a skeleton of the spoon and located at the center of its bowl; and a soft material located along the circumference of the spoon's bowl. (Col. 1, lns. 15-19). In accordance with Hakim, spoon 7 includes a bowl or dish 18 having a center 24, which is composed of a hard material such as polypropylene or so forth, as discussed above. (Col. 2, lns 53-56). Bowl or dish 18 further includes a circumferential section 26. (Col. 2, lns. 62-63). The circumferential section 26 is preferably constructed from a relative soft material such as Kraton or silicone. (Col. 2, lns. 63-64). The soft material is molded around the center 24 of the bowl 18 to protect the child's teeth and gums, and provides greater comfort to the baby's mouth than a spoon entirely constructed out of the hard material. (Col. 2,

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ln. 64- col. 3, ln. 1).

Thus, handle 38 of spoon 7 includes an upper inner section 42 made of the hard material described above. (Col. 3, lns. 12-13). The hard material forms the edges of the spoon. (Col. 3, lns. 15-16)

As such, Hakim discloses a spoon having a bowl portion and a handle portion. The bowl portion includes a soft material molded around the center of the bowl. The soft material protects the child's teeth and gums, and provides greater comfort to the baby's mouth than a spoon entirely constructed out of the hard material. As shown in FIG. 6(A) of Hakim, a cross-sectional view of the bowl, the soft material extends from the outer edge of the bowl, having rounded edges. The rounded edges are consistent with the intended purpose of the soft material, namely, to protect the child's teeth and gums.

Initially, Applicants submit that Hakim fails to disclose an elongated longitudinally curved scraper blade having a scraper surface shaped to remove sweat and debris from an animal. While the Examiner states that bowl 18 defines a longitudinal curved scraper blade, this definition is inconsistent with the disclosure and structural limitations of Hakim. Specifically, Hakim only discloses a bowl as dish 18 having a center 24, which is shaped to hold liquid therein. (See Col. 2, lns. 53-53 and ln. 61, and claims 15 and 39.) A dish having a center is structurally different from a longitudinal curved scraper blade.

Hakim also fails to disclose that the bowl portion includes a parallel pair of sharp V-shaped scraper blade edges adapted to scrape sweat from an animal. Hakim discloses that the bowl includes a single circumferential section constructed from a relative soft material. The soft material is molded around the center of the bowl to protect the child's teeth and gums, providing greater comfort to the baby's mouth than a spoon entirely constructed out of the hard material. As such, Hakim only discloses a single circumferential section extending about the circumference of the bowl adapted to protect and provide comfort to the mouth of a child. A single circumferential section extending about the circumference of the bowl is not a parallel pair of sharp V-shaped scraper blade edges

As shown in FIG. 6(A) of Hakim, the soft material extends from the outer edge of the bowl, having a rounded edge. The rounded edge is consistent with the intended purpose of soft material, namely, to protect the child's teeth and gums. A rounded edge is not structurally similar

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to a sharp V-shaped scraper blade. Accordingly, Applicants submit a single circumferential section made of a soft material having a rounded edge adapted to protect the mouth of a child is structurally different from a parallel pair of sharp V-shaped scraper blade edges adapted to scrape sweat from an animal.

Furthermore, Hakim provides no reason to include a pair of circumferential sections extending around the bowl or for the soft material to form a sharp V-shaped scraper blade, as such a configuration would fail to protect a child's teeth and gums and to provide greater comfort to the baby's mouth.

Referring again to FIG. 6(A), the circumferential soft material extends from the bowl, following the contours of the upper and lower surface of the bowl. The circumferential soft material does not extend substantially vertically from said lower surface of bowl. Such a configuration, would expose the edges of the bowl, rendering the spoon in operable for its intended purpose, namely to protect the mouth of a child.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)

As noted above, Hakim fails to disclose each and every element as set forth in claim 1. Specifically, Hakim fails to disclose said core defining an elongated longitudinally curved scraper blade having a scraper surface shaped to remove sweat and debris from an animal, and said sheath provided along a length of said scraper blade so as to define a parallel pair of sharp V-shaped scraper blade edges adapted to scrape sweat from an animal, said blade edges depending substantially vertically from said lower surface of said core; and

In light of the foregoing, independent claim 1 is respectfully submitted to be patentable over Hakim. As claims 4-7, 10-15, 19, and 20 depend from claim 1, these dependent claims necessarily include all the elements of their respective base claim. Accordingly, Applicants respectfully submit that dependent claims are allowable over Hakim at least for the same reasons.

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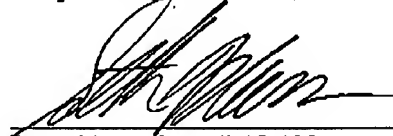
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Conclusion

In light of the foregoing, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

A fee for a one month extension of time is believed due and submitted herewith. Please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 55-22890 (Docket No. Sunhpro-2-4244).

Respectfully submitted,



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